



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Freund Precision, Inc.

File: B-226526

Date: May 13, 1987

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### DIGEST

Protest is dismissed as academic where the contract award being protested has been terminated for the convenience of the government and the requirement will be resolicited under more competitive specifications.

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### DECISION

Freund Precision, Inc. protests the award of a contract to McNally Industries, Inc. under request for proposals No. DLA900-86-R-3692, issued by the Defense Logistics Agency (DLA). Freund complains that the agency improperly rejected its lower-priced proposal for not including technical data pertaining to its offer of an alternate item.

The solicitation was essentially restricted to offers of an item manufactured by two approved sources only because the government did not possess adequate technical data on the item to permit the development of broadened specification requirements that would have enhanced the field of competition. Hence, non-approved potential sources such as Freund that proposed to furnish their own product in lieu of the item specifically called for in the solicitation were required to submit with their proposals data establishing the technical acceptability of the alternate item being offered. Freund failed to do so, and its proposal was accordingly rejected.

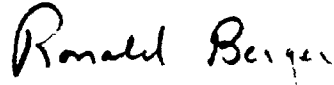
In its administrative report on the protest, DLA advises that the award to McNally has been terminated for the convenience of the government because a comprehensive data package on the particular item sought has now become available to the government, which will enable the agency to draft less restrictive specifications. The requirement, therefore, will be resolicited with the expectation of maximized competition.

This Office will not consider the merits of a protest against the award of a contract to another firm where the contract in question has subsequently been terminated for the convenience of the government because such a development

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renders the protest academic. Jarke Corp., B-224937,  
Nov. 5, 1986, 86-2 CPD ¶ 523. Moreover, Freund will have a  
full opportunity to compete under the new solicitation.

Accordingly, the protest is dismissed.

A handwritten signature in cursive script that reads "Ronald Berger".

Ronald Berger  
Deputy Associate  
General Counsel